

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 27, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Alberto Alvarez

(Name of Plaintiff)

1:20-CV-3071-SAB

CIVIL RIGHTS COMPLAINT  
BY A PRISONER UNDER 42  
U.S.C. § 1983

vs.  
Yakima County Department of corrections,  
Yakima County, Chief Himes, Cpr. Chate,  
Corrections officer Campos, Lt. C Freeburg,  
Lt. Bill Splawn, Sgt. M Keagle,  
Sgt. M Blake J13

(Names of ALL Defendants)

I. Previous Lawsuits

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner? ☒ YES ☐ NO

B. If your answer to A is yes, how many? 2 Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: Alberto Alvarez

Defendants: Yakima Police Department, City of Yakima, Travis  
Shepherd YPD, Claudia Padilla Shepherd YPD, Jeff Schaap  
WSBA # 41984, Paul Webber WSBA # 45262, Yericca MeraZ  
(Co-conspirator)

2. Court (give name of District): District Court Eastern District
3. Docket Number: 1:20-CV-3057-SAB
4. Name of judge to whom case was assigned: Stanley A. Bastian
5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?):  
Pending
6. Approximate date of filing lawsuit: May 6th 2020
7. Approximate date of disposition: N/A

II. Place of Present Confinement: YCDOC

- A. Is there a prisoner grievance procedure available at this institution? ☒ YES ☐ NO
- B. Have you filed any grievances concerning the facts relating to this complaint?  
☒ YES ☐ NO
- If your answer is NO, explain why not: \_\_\_\_\_
- C. Is the grievance process completed? ☒ YES ☐ NO
- D. Have you sought other informal or formal relief from the proper administrative officials regarding the acts alleged in this complaint? ☒ YES ☐ NO

If your answer is NO, explain why not: \_\_\_\_\_

III. Parties to this Complaint

- A. Name of Plaintiff: Alberto Alvarez Inmate No.: 12887
- Address: 111 N. Front Street, Yakima, WA 98901

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use Item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

- B. Defendant: Choate Official Position: corporal
- Place of Employment: Yakima County Department of corrections

2. Parties to this previous lawsuit:

plaintiff: Alberto Alvarez

Defendants: Yakima Police Department, Mark Williams  
YPD #7479, Ryan Avery YPD #7849, D. Diaz YPD #6719,  
WA State DPA Brook Wright WSPA #41212, and  
Yerica Mera

Docket No. 1:19-cv-03272-SAB

C. Additional Defendants (NOTE: These Defendants must be listed in the caption of the Complaint.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### IV Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

The Plaintiff Alleges the following Constitution violations done to him by defendants:

6<sup>th</sup> Amendment Violation:

'Right to self representation'

The Yakima County Jail has prevented Plaintiff from adequate law library time in order to properly prepare for pending cases. The Jail has also prevented Plaintiff from participating in current federal lawsuits with Stanley A. Boston by placing him in the hole and framing Plaintiff of alleged "contraband" found near Plaintiff.

8<sup>th</sup> Amendment Violation:

'Cruel and unusual Punishment'

Upon Plaintiff making several assertions to filing a federal lawsuit for, Social Distancing Violations, lack of law library, harassment prior to 5/10/2020, the Yakima County Jail retaliated against Plaintiff and falsified charges against him in order to deprive him of basic need and throw him in the hole to prevent him from participating in pending litigation.

please see attached pages

**V. Relief**

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

Disciplinary action for responsible officers. Reversal of Doc charges. Access to law library on regular schedule. Pain and suffering compensation for each day thrown in the hole for infractions I did not commit to be determined at trial. To be placed back into Annex pending charges/Appeal.

I declare under penalty of perjury that the foregoing is true and correct.

Injunctive Relief

Signed this 20 day of May, 2020.

  
(Signature of Plaintiff)

Sometime in the beginning of May 2020 Plaintiff requested to move from bunk 2, to bunk 72 to medical and medical declined. On another Kite request plaintiff filed a grievance to Freeburg requesting to move to bunk 72 from bunk 2 regarding social distancing issues in Governor Islee State of emergency order and stressed scrutiny if Freeburg did not allow this. Lt. Freeburg refused and moved Plaintiff without formal notice to bunk 12. On 5-8-2020 around 7:00 am, Corporal Choate woke up Plaintiff and demanded he be moved to bunk 12 and stated plaintiff was never supposed to be on bunk 2. Plaintiff made a complaint to chief Himes on the kite and told Himes that if Plaintiff gets moved to the hole that Plaintiff will file a lawsuit. Freeburg responded saying that Plaintiff will not be moved to the hole and that Plaintiff is being moved to bunk 12 alleging Plaintiff made threats of legal action for not enforcing social distancing and that inmates do not "Pick their bunks" which is untrue since inmates pick their own bunks all the time. And out of 74 bunks per unit, there is only 20-27 total inmates depending on the day. There is clusters of congested inmates during this COVID-19 epidemic.

The next day on 5-9-2020 Plaintiff received legal Mail from District Court Eastern District of Washington as to which an officer opened it and pulled out paperwork and glanced at it for over



One Minute. It was a filed Federal lawsuit by Plaintiff Case No. 1:20-cv-3057-SAB. One day later on 5-10-2020 a shake-down of the unit occurred at 9:00am, which all inmates were told to go outside. Plaintiff asked Corporal Chaate if plaintiff can bring my attorney client privilege paperwork outside and he said it will not be opened. Upon re-entering the unit Plaintiff noticed all of his legal paperwork was opened and gone through. Right away at 10:44am Plaintiff filed a grievance stating Corrections officers are not exempt from attorney client privilege and to expect a lawsuit.

Sgt. Keagle promptly responded 20 minutes later alleging "Meth" along with other items were found at Plaintiff's bunk. Sgt. Keagle quickly closed the Kite and Plaintiff opened a new grievance citing request No. 1228617 affirmatively denying allegations as to which Sgt. Blake received Message, then switched reviewing users to Lt. Bill Splawn on 5-11-2020 who already made a conclusory biased finding on Plaintiff 3 days before having a hearing with Sgt. Blake who denied having any knowledge of incident up until the hearing on 5-14-2020, but the Kite login info will show she lied.

Upon Plaintiff being removed from C tank annex and sent to the 4th floor for classification, Plaintiff affirmatively requested a Urine Analysis but was refused multiple times on the day of incident,

to internal affairs, and to Medical Kite request on 5-11-2020. Plaintiff made a grievance on 5-11-2020 requesting a urine analysis, and certified lab test results on alleged drugs found and video evidence with an attorney present. Sgt. Keagle responded stating that because criminal charges are not being issued a "UA is irrelevant" and that Plaintiff cannot have an attorney present. Sgt. Keagle refused to acknowledge certified testing and denied Plaintiff of video evidence.

On 5-13-2020 Plaintiff was served Hearing papers for Incident No. 200510501 with no dates or time or supervisor information filled out or signed at the bottom of the pages. Service of issuance of "Notice of Hearing" is improperly serviced upon Plaintiff.

Absolutely no evidence of any kind was presented at the 5-14-2020 hearing. After finding of guilt Plaintiff was advised he could make an appeal request which Lt. Bill Spawr responded to on 5-18-2020 rejecting Plaintiff telling him "I find you were given due process," and rejected my appeal.

On Multiple Occassions Since the date of incarceration of 2-21-2020, chief Himes, Lt. Freeburg, officer Campos, and a few other officers have taken Plaintiff out of his unit and threatened him in person to stop what he is doing regarding his legal proceedings



and if Plaintiff doesn't that things will start getting tougher for plaintiff. Officer Campos took Plaintiff out of his unit on 5-8-2020 to ask Plaintiff questions on how Corporal Choate was harrassing Plaintiff. Another officer took Plaintiff out of his unit and told him that he is going to mess with the wrong officer and problems will start coming towards Plaintiff. A confidential officer told Plaintiff that chief Himes is harrassing Plaintiff because Chief Himes never comes to the jail from his office unless another agency advises him to. The Law Library never works on the endevio tablets, and although Plaintiff is finally scheduled for 5 day a week for law library on the laptops, he has only used them 4 or 5 times total.

The County Jail is displaying repetative harassment conduct to plaintiff. Plaintiff is in fear for his life being singled out by various corrections officers. Plaintiff has a constitutional right to participate in his own legal proceedings without harassment by the Yakima County department of corrections and individual officers. This harassment is retaliation by the county because plaintiff's pending lawsuits against agencies the YCDC directly works with. The YCDC Generates income from every inmate arrested by the agencies Plaintiff has lawsuits against.

**Yakima County Department of Corrections***Notice of Hearing***Inmate's Copy****To: Alvarez, Alberto****4 B #12****200510J01**

You have been charged with violating one or more rule of the Yakima County Department of Corrections. Details of those charges appear on the Serious Infraction Report, which is attached to this Notice.

A Disciplinary Hearing Board made up of Officer(s) will determine your guilt or innocence in this or these matters based on a preponderance of evidence. Your hearing is scheduled for the date & time below.

Date: <b>3/10/20</b>		Date of Incident
Date: <b>3/14/20</b>	Time: TBD	Date of Hearing / Head of the Board Shift Sergeant

You are being given this advance notice in order to allow you time to prepare a defense as to the above listed charge(s). You will have the following rights concerning this hearing:

1. The right to be present at the hearing except for decisional deliberations. Your specific rights in the hearing are outlined in detail in the inmate handbook. If you do not have access to a copy of the handbook, ask any officer for a copy and you will be given one.
2. The right to call witnesses from the list submitted 24 hrs. prior to the hearing and present any documentary evidence relevant to this case, provided that doing so will not be unduly hazardous to this facility's safety or correctional goals.
3. The right to have another person (non-lawyer) represent and/or assist you in your defense, as needed under certain circumstances. (Representatives will be appointed by the Head of the Board)
4. The right to receive a written statement from the Hearing Board as to the findings of the Board and the reasons for such findings, including sanction when applicable.
5. The right provided for under the Fifth Amendment of the US Constitution, against self-incrimination.

**You will not have the following rights concerning this hearing:**

1. **To confront or cross-examine witnesses against you.**
2. **To have legal counsel or an attorney present at the hearing.**

If there are reasons why you need to have another person represent you, or if you do not understand the charge(s) against you, or if you do not understand the functions of the disciplinary hearing, then contact the head of the Disciplinary Board (listed above), prior to the hearing.

You may have a right to have a staff member or other person appointed to assist you in the hearing process. If you wish to be considered for appointment of an assistant, then contact the head of the Disciplinary Board (listed above), prior to the hearing.

☐ Yes, I wish to have an assistant appointed to help me in the hearing.

This notice served by Officer:	
Date:	Time:

I have read this notice or had its contents read to me in a language I understand and I understand the contents of the notice.

# Yakima County Department of Corrections

## Notice of Hearing

Signature of inmate:					
This notice served by Officer:					
Date:		Time:			
The Inmate served understands English:		Yes		No	
The Inmate served understands this notice:		Yes		No	

☐ Date and Time notice and attachments were given to inmate:

Date:	Time:	Officer Signature:
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☐ Inmate refused to sign notice ☐ (Officer's Initials)

Date:	Time:	Witness Signature:
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### Inmate Refusal to Attend Hearing

Inmate name:	
Booking #:	
Today's date:	
Incident #:	

**On \_\_\_\_\_ [date] at approximately \_\_\_\_\_ [time] I attempted to bring the above-named inmate to a scheduled disciplinary hearing. The inmate refused to come to the hearing. I advised the inmate should he/she refuse to attend the hearing, the hearing would proceed in his/her absence and that depending on the evidence presented at the hearing, he/she may be found guilty of the charges and a penalty imposed. Upon being so advised, the inmate still refused to attend the hearing. The inmate gave the following statement or reasons for refusing:**

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Date:	Hearing Officer:
Date:	Witnessing Officer:

# Yakima County Department of Corrections

## Notice of Disciplinary Hearing Infraction Report

This form is intended to be used for Serious Infractions. It is also to be used for Major infractions when the citing officer recommended their enhancement. This form assumes it will often be introduced in the hearing as evidence.

To be prepared by the staff member reporting the violation. List more than one infraction on this form only when the infractions arise out of a single incident.

Inmate name:	Alvarez, Alberto
Booking #:	20J-01717
Today's date:	5/13/2020
Infraction date:	5/10/2020
Incident #:	200510J01
You, (above named inmate) are charged with violating the following inmate rule(s) and or regulation(s):	
Serious Infraction #:	314 Possessing or concealing drugs or drug para.
Serious Infraction #:	235 Possessing Tattooing material (bare razor blade and pencil lead shavings).
<b>Supervisor Prehearing Review</b>	
I have reviewed the following material on the charges in the above referenced report:	
<input type="checkbox"/> Infraction Report <input checked="" type="checkbox"/> Incident Report <input checked="" type="checkbox"/> Other (specify) VIDEO	
Based on the review of the above material, I find:	
<input type="checkbox"/> The material is inadequate: <ul style="list-style-type: none"> <li>The following charges are dismissed.</li> </ul>	
<input type="checkbox"/> Charges are suspended pending the following corrective action (specify): 	
<input checked="" type="checkbox"/> Material is sufficient to suggest an infraction was committed. Hearing may proceed. 	

Enhanced charges: Based on my review of the above material ☐ I find, ☐ I do not find reason to believe the following infractions may have been committed in a way that seriously endangered a person or property or created a serious risk of facility security and therefore enhance the indicated infractions to the next higher level ( Major infraction to a Serious infraction) [List enhanced infractions]

Note: Enhancement of infractions through the use of this form does not amount to proof that grounds for enhancement exists. Grounds for enhancement must be proven through evidence introduced and considered at the hearing or through admissions of the inmate. When enhancement recommendations are denied, the matter should be returned back to the requesting officer for disposition.

Date:	Supervisor:
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Request Number: 1228272 Submitted: 5/8/20 6:57 am  
Inmate Number: 012887 Type: GRIEVANCES  
Inmate Secondary Number: Sub Type: GRIEVANCES  
Inmate Name: ALVAREZ, ALBERTO  
Initial Location: YDOC-MJ ANNEX C ANNEX C Current Location: YDOC-MJ 4-B 4-B Room 05

<u>Stamp</u>	<u>Action</u>	<u>Detail</u>	<u>User</u>
5/8/2020 6:57:01AM	ORIGINAL REQUEST:	ATTN CHEIF HIMES/ LT. FREEBURG MOVED ME TO BUNK 12 WITHOUT MY PERMISSION WHEN BUNK 2 HAS BEEN MY BUNK SINCE AFTER THE 3/23 BREAKOUT. I REQUESTED TO BE MOVED TO BUNK 72 NOT BUNK 12. IF I GET MOVED TO THE HOLE BECAUSE OF THIS I WILL BE FILING A LAWSUIT. MOVE ME BACK TO BUNK 2. CONSIDER THIS NOTED	
5/8/2020 7:00:26AM	INMATE RESPONSE:	TODAYS CORPORAL IS STARTING TO HARA** ME ABOUT THIS AND TOLD ME I WAS NEVER SUPPOST TO BE ON BUNK 2	
5/8/2020 7:05:53AM	INMATE RESPONSE:	I DEMAND TO SPEAK WITH THE DIRECTOR	
5/8/2020 3:39:36PM	CLOSED:	You are not being moved to the hole but you will move to bunk 12 because of the concerns you have with social distancing. Inmate dont pick their bunks the officers do and I moved you to bunk 12.. You threatened us with a lawsuit for not enforcing social distancing, so you were moved. You cant have it both ways Inmate Alvarez. Lt Freeburg	CFREEBURG



# Request Report - CLOSED

Case 1:20-cv-03871-SAB ECF No. 1 filed 05/27/20 PageID.14 Page 14 of 22 Printed: 5/12/2020 8:46:17AM

Request Number: 1228611 Submitted: 5/10/20 10:44 am  
Inmate Number: 012887 Type: GRIEVANCES  
Inmate Secondary Number: Sub Type: GRIEVANCES  
Inmate Name: ALVAREZ, ALBERTO

Initial Location: YDOC-MJ ANNEX C ANNEX C

Current Location: YDOC-MJ 4-B 4-B Room 12

<u>Stamp</u>	<u>Action</u>	<u>Detail</u>	<u>User</u>
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5/10/2020 10:44:01AM

## ORIGINAL REQUEST:

ALRIGHT TODAY MY LEGAL MAIL WAS GONE THROUGH, THIS IS ATTORNEY CLIENT PRIVELIDGE. EXPECT A LAWSUIT TO BE FILED FOR RETALIATION BY THE JAIL. THE CORPORAL SAID MY LEGAL MAIL WOULD NOT BE GONE THROUGH AND HE BLAITENLY LIED. KEEP YOUR NOSEY EYES OUT OF MY LEGAL MAIL. THE LAW OFFICE OF NEILSEN ON KOCK HAS BEEN MADE AWARE OF THIS ABUSE

5/10/2020 10:59:14AM

## INMATE RESPONSE:

YAKIMA COUNTY CORRCTIONS OFFICERS ARE NOT EXEMPT FROM ATTORNEY CLIENT PRIVELIGE. IF YOU WANT TO QUESTION ME MAKE SURE MY ATTORNEY IS PRESENT THIS TIME AND ON RECORD.

5/10/2020 11:20:50AM

MKEAGLE

## CLOSED:

Mr. Alvarez, during a shake down we can and will look at every item on and around every inmates bunk area. We do not read any legal mail, we are looking for contraband and drugs. This shakedown was started becasue there was pruno in your unit. We did remove the meth we found near your legal paperwork on your bunk and all the staples from all paperwork in your possession. We also took note that some of your legal paperwork was found on Escamillas bunk. Sgt. Keagle

# Request Report - CLOSED

Request Number: 1228617

Submitted: 5/10/20 12:13 pm

Inmate Number: 012887

Type: GRIEVANCES

Inmate Secondary Number:

Sub Type: GRIEVANCES

Inmate Name: ALVAREZ, ALBERTO

Initial Location: YDOC-MJ ANNEX C ANNEX C

Current Location: YDOC-MJ 4-B 4-B Room 05

<u>Stamp</u>	<u>Action</u>	<u>Detail</u>	<u>User</u>
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5/10/2020 12:13:09PM

ORIGINAL REQUEST:

1228611 REQUEST RESPONSE/ WTF??? YOU FOUND METH??? EXCUSE ME KEAGLE?? YOU DID NOT FIND METH SO QUIT YOUR LYING. KEEP MY NAME OUT OF YOUR MOUTH WITH SUCH ACCUSATIONS. I DEMAND TO SPEAK WITH THE DIRECTOR. AND MEDICAL. YOU WILL NOT BE SLANDERING MY NAME LIKE THIS. I DEMAND A COPY OF KITE NUMBER 1228611 AND FOR THIS KITE

5/10/2020 6:30:50PM

MBLAKE

USER ASSIGNED CHANGED

FROM <UNASSIGNED> TO [BSPLAWN] Splawn, Bill

5/11/2020 8:49:58AM

BSPLAWN

CLOSED:

Mr Alvarez, I reviewed the reports from the shakedown. I also reviewed your previous kites. You were found with multiple contraband items in your property. If you like a copy of previous kites you can send an additional kite to records. Lt. Splawn

# Request Report - CLOSED

Case 1:20-cv-03871-SAB ECF No. 1 filed 05/27/20 PageID.16 Page 18 of 22 Print: 5/18/2022 9:51:14AM

Request Number: 1228872

Submitted: 5/11/20 9:24 pm

Inmate Number: 012887

Type: GRIEVANCES

Inmate Secondary Number:

Sub Type: GRIEVANCES

Inmate Name: ALVAREZ, ALBERTO

Initial Location: YDOC-MJ 4-B 4-B ROOM 12

Current Location: YDOC-MJ 4-B 4-B Room 05

<u>Stamp</u>	<u>Action</u>	<u>Detail</u>	<u>User</u>
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5/11/2020 9:24:58PM

## ORIGINAL REQUEST:

THE YAKIMA CORRECTIONS JAIL REFUSES TO UA ME AFTER SUPPOSIBLY FINDING DRUGS UNDER MY BED. IF ANY SUCH ITEMS WERE FOUND THESE WERE CLEARLY PLANTED AND I DEMAND EVIDENCE OF SUCH ACCUSATIONS AS WELL AS CERTIFIED LAB TESTS DONE. I DEMAND AN IMPARTIAL HEARING WITH AN ATTORNEY PRESENT AND VIDEO FOOTAGE OF ANYTIME BEFORE AND DURING ALLEGED CONTRABAND WAS FOUND.

5/12/2020 7:28:23AM

KLIPP

USER ASSIGNED CHANGED

FROM <UNASSIGNED> TO [MKEAGLE] Keagle, M

5/13/2020 7:56:23AM

MKEAGLE

## CLOSED:

Mr. Alvarez, You were not charged with using drugs just having them in your housing area, so a UA is irrelevant. This is an in-house hearing done by a team other than the team that found the drugs so it will be impartial. As described in the inmate handbook inhouse disciplinaries are not allowed to have an attorney present. If at any time you are charged criminally you can then have an attorney. If you want any video, you will have to go through public disclosure just like anyone else. Hope this answers your questions. Keagle

# Request Report - CLOSED

Case 1:20-cv-03871-SAB ECF No. 1 filed 05/27/20 PageID.17 Page 17 of 22 Printed: 5/18/2020 9:51:28AM

Request Number: 1228873

Submitted: 5/11/20 9:26 pm

Inmate Number: 012887

Type: MEDICAL

Inmate Secondary Number:

Sub Type: MEDICAL REQUEST

Inmate Name: ALVAREZ, ALBERTO

Initial Location: YDOC-MJ 4-B 4-B ROOM 12

Current Location: YDOC-MJ 4-B 4-B Room 05

Stamp

Action

Detail

User

5/11/2020 9:26:04PM

ORIGINAL REQUEST:

CORRECTIONS OFFICERS REFUSE TO UA ME REGARDING ALLEGED DRUGS FOUND UNDER MY MATTRESS. I AM KETING YOU TO MAKE RECORD OF THIS FOR MY ATTORNEY

5/12/2020 2:40:35AM

ACOX

RESPONSE:

Noted

5/12/2020 2:40:50AM

ACOX

CLOSED:

<NO COMMENT GIVEN>

# Request Report - OPEN

Case 1:20-cv-03072-SAB

ECF No. 1

filed 05/27/20

PageID.18

Page 18 of 22

Printed: 5/12/2022 8:46:50AM

Request Number: 1228874

Submitted: 5/11/20 9:27 pm

Inmate Number: 012887

Type: GRIEVANCES

Inmate Secondary Number:

Sub Type: GRIEVANCES

Inmate Name: ALVAREZ, ALBERTO

Initial Location: YDOC-MJ 4-B 4-B ROOM 12

Current Location: YDOC-MJ 4-B 4-B Room 12

Stamp

Action

Detail

User

5/11/2020 9:27:09PM

ORIGINAL REQUEST:

1228611 REQUEST/ REQUESTING PAPER COPIES OF REQUEST NUMBER 1228611

5/12/2020 7:28:52AM

KLIPP

GROUP ASSIGNED CHANGED

TO LEGAL RECORDS REQUEST/ARCHIVES

5/12/2020 8:46:46AM

KTREVINO

RESPONSE:

Mr. Alvarez, a copy of that request will be provided.

Trevino, CR16



Request Number: 1229653

Submitted: 5/15/20 4:27 pm

Inmate Number: 012887

Type: LEGAL RECORDS RE

Inmate Secondary Number:

Sub Type: LEGAL RECORDS RE

Inmate Name: ALVAREZ, ALBERTO

Initial Location: YDOC-MJ 4-A 4-A ROOM 05

Current Location: YDOC-MJ 4-B 4-B Room 05

<u>Stamp</u>	<u>Action</u>	<u>Detail</u>	<u>User</u>
5/15/2020 4:27:16PM	ORIGINAL REQUEST:	REQUESTING 2X COPIES OF SECTION 83 CIVIL PACKETS. 6X EASTERN DISTRICT SUMMONS. LEGAL LINE PAPER. AND A COPY OF MY JAIL INMATE ACCOUNT FUNDS	
5/15/2020 4:50:35PM	INMATE RESPONSE:	REQUESTING YAKIMA COUNTY LEGAL DEPARTMENT MAILING ADDRSS. FREEBURG, CHOATE, AND CHOATES OFFICERS WHO WORKED IN C TANK ANNEX ON 5/10/2020 NAME AND BADGE NUMBER.	
5/15/2020 4:52:05PM	INMATE RESPONSE:	1228617	
5/15/2020 4:52:38PM	INMATE RESPONSE:	1228272	
5/15/2020 4:55:35PM	INMATE RESPONSE:	PLEASE PRINT KITES AND SEND THEM TO ME	
5/15/2020 4:56:07PM	INMATE RESPONSE:	1228872	
5/16/2020 8:49:55AM	INMATE RESPONSE:	1228873	
5/18/2020 9:59:45AM	RESPONSE:	Mr. Alvarez, two copies of 42 USC 1983 forms, 6 Summons in a Civil Action forms, lined paper, copy of your Inmate Balance History, one copy of kites requested will be provided. Yakima County Corporate Counsel Division 128 N 2nd St., Room 211 Yakima, WA 98901  Trevino, CR16	KTREVINO



*Yakima County, Washington*  
**DEPARTMENT OF CORRECTIONS**  
Office of  
***Lt. Bill Splawn***  
*Care and Custody Division*

To: Alberto Alvarez  
From: Lt Splawn  
Date: 5/18/2020  
Ref: Appeal

Mr Alvarez,

I have had a chance to review your case and look at the evidence. In addition, I find you were given due process regarding this incident. I will not be overturning your sanctions. If you wish to see the reports, you are free to file a Public Disclosure Request with Yakima County.

Lt Splawn

**Yakima County Department of Corrections***Disciplinary Hearing Decision*

Inmate name:	Alberto Alvarez
Booking #:	20J-01717
Today's date:	05-14-2020
Incident #:	200510J01
Hearing Sergeant:	Sergeant Blake J13

You have been found guilty of the following infraction(s):

314 Possessing or concealing drugs or drug paraphernalia  
 235 Possessing tattooing materials.

Rule #:	314	Plea		Not Guilty	Finding	Guilty	
Rule #:	235	Plea		Not Guilty	Finding	Guilty	

For each guilty finding, the evidence relied on for the finding is:


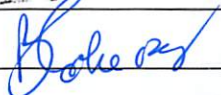
During our hearing you told the board (in summary) that you had several lawsuits filed against another law enforcement agency, that you did not have any tattoos, and were refused a drug test. You requested we review the camera suggesting that the items were placed in your bunk by someone else. The board did review the video per your request.

The board found that the lawsuits against other agencies have no bearing on these issues and no one would seek retaliatory remedies for an outside agency. Your lack of tattoos would not prove innocence regarding the possession of tattoo materials and a negative drug test would not have proven innocence on the possession of drugs—only that you did not use them. The video review showed you in your bunk until the shakedown and no other inmates were around your bunk at any time when you were not present. Your bunk was right in front of the camera and it was easy to see the officer searching as he was facing the camera. He did not appear to read any of your paperwork--as he was going through the search at a steady pace--and you could see on camera that he did not place anything in your bunk area.

The board relied on the video showing that no one placed anything in your bunk and the reports that stated the drugs and tattoo materials were located in your property for the finding of guilty for both infractions.

**Yakima County Department of Corrections***Disciplinary Hearing Decision*

Rule #:	314 & 235	Sanction Imposed	30 days IMU/15 suspended <b>total</b> for both infractions
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Date: 05/14/20	Hearing Officer: Cpl. Macias J149 
Date: 05/14/20	Head of Hearing Board: Sergeant Blake J13 

You have the right to appeal this decision to a Division Chief, should you wish to appeal, your appeal must be submitted in writing within 15 days of the time this Notice of Decision was served upon you. Failure to submit an appeal within this time limit is grounds for denying the appeal.

Filing a federal lawsuit against county Jail. This is selective prosecution. I demand to see evidence and written report. I have legal action and you will waste Tax payer money defending action. I demand a new hearing immediately.

3-15-2020